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ORDINANCE NO. 2010-14

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE
VILLAGE OF BISCAYNE PARK, FLORIDA, AMENDING
CHAPTER 2 OF THE CODE OF ORDINANCES OF THE
VILLAGE OF BISCAYNE PARK ENTITLED
"ADMINISTRATION" BY AMENDING ARTICLE VI
ENTITLED "FINANCE" BY ADDING SECTIONS 2-76
"DEFINITIONS" AND 2-77 "AUTHORITY TO MAKE
INTRADEPARTMENTAL BUDGET AMENDMENTS BY
VILLAGE MANAGER" TO ESTABLISH PROCEDURES BY
WHICH THE VILLAGE MANAGER MAY AUTHORIZE
AMENDMENTS WITHIN DEPARTMENT BUDGETS
WITHOUT VILLAGE COMMISSION APPROVAL;
AMENDING CHAPTER 2, ARTICLE VIII TO HAVE
REFERENCES TO THE DIRECTOR OF FINANCE
REPLACED WITH VILLAGE MANAGER THROUGHOUT
ARTICLE VIII AND AMENDING CHAPTER 2, ARTICLE VIII
REFERENCING BUDGET APPROPRIATION; PROVIDING
FOR CONFLICT; PROVIDING FOR SEVERABILITY;
PROVIDING FOR INCLUSION; PROVIDING FOR AN
EFFECTIVE DATE

WHEREAS, in accordance with the laws of the State of Florida, any amendments to the
adopted fiscal year budget must be approved by the governing body of the municipality; and

WHEREAS, Section 166.241(3)(b), Florida Statutes, provides that the governing body of
a municipality may establish procedures by which the designated budget officer may authorize
certain budget amendments within a department, provided that the total of the appropriations of
the department is not changed; and

WHEREAS, authorizing the Village Manager to make certain intradepartmental budget
amendments will promote government efficiency and avoid disruption in Village management
and service to the community; and

WHEREAS, the Village Commission has determined that it would be good management
practice to give the Village Manager or his/her designee some authority to make budget

1 amendments within department budgets without Village Commission approval, provided that the
2 total of the appropriations of the department is not changed; and

3 WHEREAS, in order to provide for such authority the Village's Purchasing and
4 Procurement Ordinance must be amended;

5 WHEREAS, the Village Commission also finds it in the best interest of the Village to
6 amend the Purchasing and Procurement Ordinance to replace references to the Director of
7 Finance with Village Manager or designee consistent with the Village charter; now, therefore

8 BE IT ORDAINED BY THE VILLAGE COMMISSION OF THE VILLAGE OF
9 BISCAYNE PARK, FLORIDA, AS FOLLOWS:

10 **Section 1.** The foregoing "Whereas" clauses are hereby ratified and confirmed as
11 being true and correct and are hereby made a specific part of this Ordinance upon adoption
12 hereof.

13 **Section 2.** Chapter 2, Article VI entitled "Finance" of the Code of Ordinances of the
14 Village of Biscayne Park is hereby amended to create Section 2.76 entitled "Definitions" and
15 Section 2.77 "Authority to Make Intradepartmental Budget Amendments by Village Manager" as
16 follows:

17 **Sec. 2-76. Definitions**

18
19 For purposes of this Article, "Operational Expenses" shall mean appropriations for
20 materials, supplies and services related to Village operations, other than salaries, benefits, capital
21 outlay or contingency.
22

23 **Sec. 2-77. Authority to Make Intradepartmental Budget Amendments by**
24 **Village Manager.**
25

26 During the fiscal year it may become necessary to adjust budgets of various line items
27 within a Department. The following procedure will govern this amendment process:
28

- 29 1. The Village Manager or his/her designee shall have the authority to make
30 intradepartmental budget amendments that reallocate appropriations amongst a

1 department's line item appropriations for Operational Expenses provided that the total
2 appropriations for Operational Expenses is not changed.
3

4 2. All other budget amendments involving salaries, benefits, capital outlay or contingency
5 must be approved by the Village Commission.
6

7 3. The Village Manager shall present a monthly written report on the status of the Village's
8 budget to the Commission. At a minimum, this report will generally include, but not be
9 limited to, revenues by category and expenditures by department for each Village Fund.
10

11 Chapter 2, Article VIII of the Code of Ordinances of the Village of Biscayne Park is
12 hereby amended as follows:

13 ***

14
15 **Sec. 2-134. Establishment of purchasing agent.**
16

17 The Village Manager or his/her designee shall be the chief purchasing agent of the village.
18 Subject to the terms of this article and except as otherwise provided for in section 2-136, the
19 purchasing agent shall contract for, procure or so process the procurement, purchase, storage and
20 distribution of all supplies, materials, equipment and certain contractual services required by any
21 office, department or agency of the village. The purchasing agent shall establish and enforce
22 specifications, inspect or supervise the inspection of all deliveries and have full and complete
23 charge of, and be responsible for, all supplies, materials, and equipment purchased for or
24 belonging to the village.
25

26 ***
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28 **Sec. 2-136. Purchasing limitations; competitive bidding.**
29

30 (a) *Purchases less than two thousand five hundred dollars (\$2,500.00).* Purchases of or
31 contracts for materials, supplies, equipment, improvements or services for which funds are
32 provided in the budget, where the total amount to be expended is not in excess of two thousand
33 five hundred dollars (\$2,500.00), may be made or entered into by any department director
34 without submittal to the village commission and without competitive bidding. Single purchases
35 or contracts in excess of two thousand five hundred dollars (\$2,500.00) shall not be broken down
36 to amounts less than two thousand five hundred dollars (\$2,500.00) to avoid the requirements of
37 this subsection.
38

39 (b) *Purchases more than two thousand five hundred dollars (\$2,500.00) but less than ten*
40 *thousand dollars (\$10,000.00).* Purchases of or contracts for materials, supplies, equipment,
41 improvements or services for which funds are provided in the budget, where the total amount to
42 be expended is in excess of two thousand five hundred dollars (\$2,500.00) but which does not
43 exceed ten thousand dollars (\$10,000.00), may be made or entered into by the Village Manager
44 or his/her designee without submittal to the village commission and without competitive bidding,

1 but shall require that Village Manager or his/her designee obtain quotes from at least three (3)
2 different vendors. The Village Manager or his/her designee shall award the bid to the lowest,
3 most responsive, responsible bidder. Single purchases or contracts in excess of ten thousand
4 dollars (\$10,000.00) shall not be broken down to amounts less than ten thousand dollars
5 (\$10,000.00) to avoid the requirements of this subsection.
6

7 (c) *Purchases in excess of ten thousand dollars (\$10,000.00).* The village commission shall
8 approve all purchases of or contracts for materials, supplies, equipment, public improvements or
9 services where the total amount to be expended is more than ten thousand dollars (\$10,000.00).
10 Purchases in excess of ten thousand dollars (\$10,000.00) shall be in compliance with the
11 competitive bidding requirements set forth in section 2-137.
12

13 (d) *Exceeding budget appropriation.* Except as provided for in Chapter 2, Article VI, Village
14 Manager or his/her designee may not purchase or contract for any item or service which exceeds
15 any budget appropriation until such a time as the village commission amends the budget to
16 increase the appropriation to the applicable level.
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20 **Sec. 2-137. Competitive bidding procedure.**

21

22 (a) Whenever competitive bidding is required by this article, the Village Manager or his/her
23 designee shall direct that bid proposals which provide specifications for the purchase or contract
24 be prepared.
25

26 (b) The Village Manager or his/her designee shall solicit sealed bids from at least three (3)
27 persons or entities engaged in the business of furnishing such materials, supplies, equipment and
28 public improvements or rendering such services.
29

30 (c) The Village Manager or his/her designee may publish a public invitation to bid.
31

32 (d) Bids shall be awarded to the lowest, most responsive, responsible bidder, as determined by
33 the village commission and/or the Village Manager or his/her designee as the case may be,
34 subject to the right of the village to reject any and all bids, to waive any irregularity in the bids or
35 bidding procedures and subject also to the right of the village to award bids and contracts to
36 bidders other than the low bidder.
37
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39 **Sec. 2-138. Bid opening procedure; awarding of bids.**

40

41 (a) Sealed bids shall be opened by the Village Manager or his/her designee or their appointed
42 representative and recorded by the Village Manager or his/her designee or their representative on
43 the date and time specified in the bid proposal.
44

45 (b) Whenever required by the bid proposal, all bid bonds, cash, insurance, checks or other
46 security accompanying the bid shall be received and maintained for safekeeping by the Village

1 Manager or his/her designee. The Village Manager or his/her designee shall be responsible for
2 the return of the bid bonds, cash, insurance, checks or other security of unsuccessful bidders.
3

4 (c) Upon completion of the bid opening reading, all bids received will be deposited with the
5 Village Manager or his/her designee for tabulation and/or recommendation to the village
6 commission.
7

8 (d) Upon submission of the bid tabulation and recommendation to the Village Manager or
9 his/her designee or village commission, as the case may be, the Village Manager or his/her
10 designee or the village commission shall either accept, reject or refer for additional review the
11 bid tabulation and recommendation.
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15 **Sec. 2-139. Waiver of competitive bidding procedures.**
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17 The village commission may, by majority vote, waive the competitive bidding procedures
18 outlined in this article upon the recommendation of the Village Manager or his/her designee that
19 it is in the best interest to do so, to obtain goods and services which cannot be acquired through
20 the normal purchasing process due to insufficient time, the nature of the goods or services or
21 other factors.
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24 **Sec. 2-140. Governmental contracts.**
25

26 The Village Manager or his/her designee is hereby authorized to enter into bids or contracts
27 entered into by other governmental authorities provided that the governmental authority has
28 followed a competitive bidding procedure leading to the award of the bid or contract in question
29 which is substantially similar to the competitive bidding procedure outlined in this article.
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34 **Section 3. Severability.** The provisions of this Ordinance are declared to be
35 severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be
36 held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining
37 sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it
38 being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any
39 part.

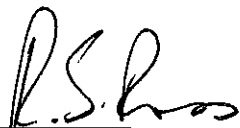
1 **Section 4. Repeal of Conflicting Provisions.** To the extent any provisions of the
2 Code conflict with this Chapter, those provisions are repealed in its entirety.

3 **Section 5. Inclusion in the Code.** It is the intention of the Village Commission, and
4 it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the
5 Code of the Village of Biscayne Park, Florida; that the sections of this Ordinance may be
6 renumbered or relettered to accomplish such intentions; and that the word "Ordinance" shall be
7 changed to "Section" or other appropriate word.

8 **Section 6. Effective Date.** This Ordinance shall be effective upon adoption on
9 second reading.

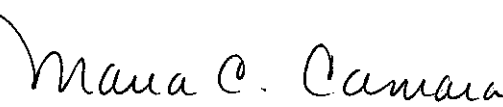
10 The foregoing Ordinance was offered by Commissioner Anderson, who moved its adoption. The
11 motion was seconded by Commissioner Childress and upon being put to a vote, the vote was as
12 follows:

**The foregoing ordinance upon being put
to a vote, the vote was as follows:**

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19 Roxanna Ross, Mayor

Mayor Ross : Yes
Vice Mayor Bernard: No
Commissioner Anderson: Yes
Commissioner Childress: Yes
Commission Cooper : No

20
21 Attest:

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24 
25 Maria C. Camara, Village Clerk

26
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28 Approved as to form:

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32 
33 John J. Hearn, Village Attorney